

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed October 19, 2004. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

The Examiner has objected to the specification as containing "an embedded hyperlink and/or other form of browser-executable code". In response thereto, Applicants have amended page 2, lines 5-12, of the specification.

Claims 1, 6, 11-13, and 16 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,615,212, issued to Dutta et al (hereinafter referred to as "Dutta"). This ground of rejection is respectfully traversed as to amended claims 1, 6, 11-13, and 16 for the reasons provided below.

The legal standard for a finding of anticipation during examination is provided by MPEP 2131 which states in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The rejection of amended claims 1, 6, 11-13, and 16 is respectfully traversed, because Dutta does not "teach every element of the claim".

Specifically, with regard to claim 1, the Examiner clearly erroneously finds that Dutta has the claimed "generic gateway", citing column 5, line 45 through column 6, line 23, and column 3, lines 54-64. These citations say nothing of the claimed "generic gateway". To assist the Examiner, claim 1 has been amended to more explicitly state that the "generic gateway" is a "middleware generic gateway". As can be seen at page 4, lines 20-21, of Applicants' specification, this element is utilized "to link web based work stations with existing OLTP systems". In other words, a "middleware generic gateway" is utilized to communicate between the TCP/IP environment of the Internet and a legacy system having communication protocols which predate and are incompatible with TCP/IP.

Dutta does not have a "middleware generic gateway" because it does not need it. Dutta states at column 3, lines 54-57:

In the depicted example, distributed data processing system 100 is the Internet, with network 102 representing a worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with one another.

Thus, Dutta specifically states that all of the computers of Fig. 1 (i.e., server 104 and clients 108, 110, and 112) all communicate

in TCP/IP thereby obviating the need for the claimed "middleware generic gateway".

Claim 1 has been further amended to more explicitly require the "two-step" conversion process of the present invention. A first conversion is made at the "adapter" and a second conversion is made at the "middleware generic gateway". This feature is clearly not found in Dutta, because it has no need. All of the computers in the Dutta system communicate directly in TCP/IP.

Furthermore, claim 1, as amended, now requires creation of the "request parameter buffer". Again, this feature is not found in any of the prior art of record.

The rejection of claim 1, as amended, and all claims depending therefrom, is respectfully traversed for failure of Dutta to teach each and every element of the claimed invention as required by MPEP 2131.

The same issues arise with regard to the rejection of claim 6. Claim 6, as amended, requires a "middleware generic gateway" and "request parameter buffer" which are not found in Dutta as explained above. Furthermore, the Examiner has clearly erroneously found that Dutta column 5, line 45, through column 6, line 23, and column 3, lines 54-64, teaches "an enterprise server responsively coupled to said generic server". These citations say nothing of the claimed limitation. The rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

In rejecting claim 16, the Examiner repeats these clearly erroneous findings of fact and compounds the problem by failing to conduct the examination in accordance with MPEP 2181, et seq. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 11 is an independent method claim having three steps. Dutta has none of these three steps, as amended. Step a requires "composing" a service request. This limitation is simply not found in Dutta.

The second step (i.e., step b) requires transferring to "one of said plurality of adaptors". Dutta cannot possibly perform this step, because Dutta does not have a plurality of adaptors. This is admitted by the Examiner in paragraph 4 of the pending official action stating:

Dutta does not explicitly teach a plurality of adapters interposed between said generic gateway and said user terminal....

Thus, the Examiner has specifically admitted that Dutta cannot meet the limitations of the second step.

The third step, step c, requires "converting....within a generic gateway". As explained above, Dutta has no "generic gateway". Therefore, Dutta cannot meet the limitations of step c. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed for failure of Dutta to teach all of the claimed elements as required by MPEP 2131.

Claim 12 depends from claim 11 and is further limited by an additional transferring step to transfer the processed service request from the generic gateway to the end service provider. In making his rejection, the Examiner curiously cites Dutta, column 5, lines 5-20. This text is a portion of the description of Fig. 3, which is a block diagram of a single computer having a single processor (i.e., processor 302). This is readily distinguishable from the claimed transfer step, which requires transfer from one computer to another view the network. The rejection of claim 12, and claims depending therefrom, is respectfully traversed.

Claim 13 depends from claim 12 and adds further limitations. Because Dutta does not teach the limitations of the claims from which claim 13 depends, it cannot possible teach the unique combination including the additional limitations of claim 13. Therefore, the rejection of claim 13, and any claim depending therefrom, is respectfully traversed.

The Examiner has rejected claims 2-3, 5, 7-8, 10, and 17-25 under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of U.S. Patent No. 5,848,415, issued to Guck et al (hereinafter referred to as "Harvey"). This ground of rejection is respectfully traversed for the following reasons.

To present a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence of: 1) motivation to create the alleged combination; 2) reasonable likelihood of success

of the alleged combination; and 3) all claimed elements within the alleged combination. The rejection is respectfully traversed, because the Examiner has not provided any such evidence and has therefore has not made a *prima facie* case of obviousness.

Specifically, in the only substantive statement regarding motivation to make the alleged combination, the Examiner states:

It would have been obvious to one of the (sic) ordinary skill in the art at the time of the invention to modify Dutta by incorporating a plurality of adapters as taught by Guck because doing so would accommodate different content formatting requirements (e.g., plain text, HTML, postscript) as well as different protocol requirements (e.g., mail, news, FTP, etc.) (Emphasis added)

This argument is deemed specious because Dutta alone handles the these formats (see, for example, Fig. 5). Therefore, one wouldn't be motivate to combine Guck with Dutta to add functionality already located within Dutta. The only motivation for making the alleged combination is for the Examiner to support a rejection of the claims. This is not motivation in accordance with controlling law.

Contrary to his obligation to do so under MPEP 2143, the Examiner ignores the requirement to present evidence of likelihood of success of the alleged combination. In fact, the Examiner does not even mention this requirement.

Finally, the alleged combination does not meet the requirement of MPEP 2143 that all claimed limitations are met. Specifically, claim 2 requires "a plurality of adapters interposed between said middleware generic gateway and said user terminal". In making his

rejection, the Examiner cites Guck, column 5, lines 1-8. Nowhere in this citation is there teaching of "a plurality of adapters interposed between said middleware generic gateway and said user terminal". The rejection of claim 2 is respectfully traversed for failure of the Examiner to meet any of his three burdens of proof imposed by MPEP 2143.

Similarly, with regard to claim 7, the Examiner admits that Dutta does not meet the claim limitations but instead cites Guck, alleging that it teaches "a system composing a plurality of adapters where each adapter correspond (sic) to a format". Again, the Examiner ignores the claim limitations. The rejection of claim 7 is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as required by MPEP 2143.

Claims 3 and 8 depend from claims 2 and 7, respectfully, and each presents additional claim limitations. The alleged combination does not teach the limitations of the claims from which claims 3 and 8 depend. Therefore, the alleged combination cannot possibly teach the limitations of claims 3 and 8. The rejection of claims 3 and 8 is respectfully traversed.

Claims 5 and 10 depend from claims 4 and 9, respectively. Therefore, claim 5 contains all of the limitations of claim 4, and claim 10 contains all of the limitations of claim 9. At paragraph 5 of the pending official action, the Examiner admits that the alleged combination of Dutta and Guck does not meet the limitations

of claims 4 and 9. Therefore, the pending rejection of claims 5 and 10 is inadequate as a matter of law. The rejection of claims 5 and 10 is respectfully traversed.

In rejecting claims 17 and 18, the Examiner repeats all of the errors in his rejection of claims 2 and 7. The rejections of claims 17 and 18 are respectfully traversed.

Claim 19 depends from claim 18 and includes further limitations. Because the alleged combination cannot meet the limitations of claim 18, it cannot meet the limitations of claim 19. The rejection of claim 19 is respectfully traversed.

In rejecting claim 20, the Examiner admits that the prior art of record does not meet all of the limitations. However, the Examiner takes official notice stating:

....because doing so would allow a user to use a graphical interface to send and receive messages or requests and therefore have a more friendly user environment.

This argument is inadequate as a matter of law. Dutta already discloses the use of OS-2 with a graphical user interface. The Examiner has shown no motivation to make any modifications to Dutta. The rejection of claim 20 is respectfully traversed.

The Examiner admits that the alleged combination does not have the limitations of claim 21. He takes "official notice" of certain missing limitations. This finding is traversed under MPEP 2144. As a result, the Examiner is obligated, as a matter of law, to

present a reference providing these limitations. The rejection of claim 21 is respectfully traversed.

Claim 22 depends from claim 21 and is further limited by a "view definition which describes a format for said XML message service request". The alleged combination does not have these limitations. Therefore, the Examiner cites Guck, column 2, line 58, through column 3, line 20, knowing that the citations says nothing about the claim limitation. The rejection of claim 22 is respectfully traversed.

Claim 23 depends from claim 22 and is further limited "wherein said generic gateway converts said XML message service request into a data buffer in accordance with said input view definition". Again, the Examiner confusingly mentions the same Guck citation which has nothing to do with this limitation. The rejection of claim 23 is respectfully traversed.

The Examiner repeats the same errors with regard to his rejection of claim 24. Guck simply says nothing of the limitations of claim 24. The rejection of claim 24 is respectfully traversed.

Claim 25 depends from claim 24 and further requires an output buffer. Guck makes no mention of this structure. The rejection of claim 25 is respectfully traversed.

Claims 4 and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Guck and further in view of U.S. Patent No. 6,397,220, issued to Deisinger et al

(hereinafter referred to as "Deisinger"). This ground of rejection is respectfully traversed for failure to present a *prima facie* case of obviousness.

In rejecting claims 4 and 9, the Examiner states:

It would have been obvious for (sic) one of the (sic) ordinary skill in the art at the time of the invention to modify Dutta by implementing an NT server in a WebTx environment as taught by Deisinger because doing so would transform a request such as a URL from A Web browser into a format which is understandable by a distributed transaction processing system and also transform data returned from the distributed transaction processing system into a formatted response which is returned to the requester and therefore overcoming compatibility issues with a client and a server.

This is precisely the unsupported conclusion attacked by the Court of Appeals for the Federal Circuit stating in part:

Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence". *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999).

Thus, in contravention of controlling law, the Examiner concludes that the alleged combination is motivated because it is alleged to provide completely unrelated functionality to the alleged combination of Dutta and Guck. As explained by the Federal Circuit, this is insufficient as a matter of law.

Again, the Examiner fails to provide the required evidence of reasonable likelihood of success.

Finally, the Examiner does not show how the alleged combination would meet the limitations of the claims. He cannot

say where within the alleged combination of Dutta and Guck, the NT server having WebTx middleware would be added. The alleged combination seems to make no sense. Therefore, the rejection of claims 4 and 9 is respectfully traversed for failure of the Examiner to meet his obligations under MPEP 2143 to present a *prima facie* case of obviousness.

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of U.S. Patent No. 6,438,580, issued to Mears et al (hereinafter referred to as "Mears"). This ground of rejection is respectfully traversed for failure of the Examiner to meet his burden under MPEP 2143 for the establishment of a *prima facie* case of obviousness.

Claim 14 depends from claim 13 (which depends from claims 12 and 11) and is further limited by "wherein said one of said plurality of formats further comprises an active server page". Any fair reading of claim 14 acknowledges that the limitations of claim 14 further limit the claim 11 limitation of "a plurality of adapters corresponding to said one of said plurality of formats". In other words, claim 14 requires that the system employ an adapter that corresponds to "an active server page". The Examiner directly admits that this limitation is not found in Dutta. Furthermore, the Examiner indirectly admits that it is not found in Mears but instead cites column 5, lines 45-59, which mentions active server

pages but says nothing of the claimed "adapter". The alleged combination does not teach the claimed elements.

Again, the Examiner does not even attempt to meet his obligation to show reasonable likelihood of success. Finally, in his attempt to conclude motivation, the Examiner states:

It would have been obvious for one of the (sic) ordinary skill in the art at the time of the invention to modify Dutta by using active page server (sic) format as taught by Mears because doing so would allow the user (sic) view a message using an HTML page using a web browser and therefore overcome the need of an e-mail software (sic).

Though this conclusion is not completely understood, it does seem clear that it has nothing to do with the claimed invention which requires an adapter corresponding to active server page format.

The rejection of claim 14 is respectfully traversed for failure to present a *prima facie* case of obviousness as defined by MPEP 2143.

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of U.S. Patent No. 6,442,559, issued to Krishan et al (hereinafter referred to as "Krishan"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness.

Claim 15 depends from claim 14 and further limits one of the plurality of adapters (see claim 11). Claim 15 depends from and includes all of the limitations of claims 14, 13, 12, and 11. As admitted by the Examiner:

Dutta does not explicitly teach the claimed limitation "said plurality of formats further comprises an active server page".

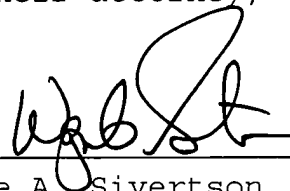
Therefore, the Examiner specifically admits that the alleged combination of Dutta and Krishan does not meet the limitations of claim 15. The rejection of claim 15 is respectfully traversed as a matter of law.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Respectfully submitted,

Daniel P. Starkovich et al.

By their attorney,



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Wayne A. Sivertson
Reg. No. 25,645
Suite 401
Broadway Place East
3433 Broadway Street N.E.
Minneapolis, Minnesota
55413
(612) 331-1464